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Application Number 10/829,519
Response to Office Action Mailed 2/27/2007

Remarks

I. Objections to the Claims:

At page 2, item 3 of the Office Action, claims 11 and 12 are objected to because of an informality.

The Applicant has amended these claims to remove the second occurrence of "audience member" in both claims.

II. Objections to the Specification:

At page 4, item 4 of the Office Action, the disclosure is objected to because there is no Brief Summary of the Invention.

The Applicant has amended the specification to include a brief summary. No new matter has been added.

At page 4, item 5 of the Office Action, the disclosure is objected to because the disclosure includes embedded hyperlinks and/or other form of browser-executable code.

The Applicant has amended the specification to remove the hyperlinks.

III. Objections to the Claims:

At page 5, items 6, 7, 8, 9, and 10, claims 4, 18, 19, 27, and 34, respectively, are rejected under 35 USC §112, second paragraph.

The Applicant has amended these claims to remove occurrences of insufficient antecedent basis.

IV. Claim Rejections under 35 USC § 103

At page 13, item 13 of the Office Action, claim 2 is rejected under 35 USC §103(a) as being unpatentable over Chandler et al. (US 6477491) in view of Loomis (US 20040203627).

All pending claims have been amended to recite the limitations of originally-filed claim 2, and claim 2 has been canceled. Thus, all pending claims include the limitation "wherein the determining step further comprises receiving a preamble from a microphone, the preamble being used to identify the audience member". (Claim language may vary.) Thus, the Applicants believe that a rejection of all pending claims relies on the Loomis reference. Thus, all claims should now be subject to rejection under only 35 USC§103(a).

The Applicants note that the publication date of the Loomis reference is October 14, 2004, nearly 6 months after the filing date of the instant application. Thus, the applicants believe that the Loomis reference is available as prior art *only* under 35 USC§102(e).

Therefore, the Applicants respectfully traverse the rejection because both the present application and the Loomis reference were, at the time the invention of the present application was made, owned by, or subject to, an obligation of assignment to this same organization. (MPEP§706.02(I)(2))

Enclosed herewith is a Statement of Common Ownership that attests to the common ownership of the Loomis reference and the present application at the time the claimed invention was made.

As the Applicants believe that the Loomis reference does not qualify as prior art, the Applicants respectfully submit that the rejection to the claims under 35 USC§103(a) has been overcome. Accordingly, the Applicants believe that all claims are in condition for allowance.

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It is not believed that additional fees are due at this time; however, if any additional fee is required in connection with the filing of this Amendment, please charge the fee to Deposit Account No. 08-2025.

Respectfully submitted,
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